REMARKS

The present application was filed on December 17, 2003 with claims 1-19. Claims 1-19 have been canceled, without prejudice, in a preliminary amendment. Claims 20-22 have been previously added. Claims 20-22 are the pending independent claims.

In the outstanding Office Action dated June 20, 2008, the Examiner: (i) rejected claim 20 under 35 U.S.C. §101 as being directed to non-statutory subject matter; and (ii) rejected claims 20-22 under 35 U.S.C. §103(a) as being obvious over U.S. Patent App. Pub. No. 2002/0194047 (hereinafter "Edinger").

With regard to the §101 rejection of independent claim 20, Applicants assert that claim 20 recites patentable subject matter under §101 because there is an underlying transformation of subject matter into a different state or thing. For example, claim 20 recites decomposing one or more tasks associated with an enterprise process into one or more subtasks, and adding annotation to the one or more subtasks. Nonetheless, Applicants amend claim 20 without prejudice and solely to expedite prosecution of the present application. Claim 20 now recites, "A computer implemented method of managing escalation of a process associated with an enterprise . . . ." Support for this amendment may be found in the specification at, for example, page 19, lines 9-14. In light of this amendment, Applicants believe that claim 20 overcomes the Examiner's rejection. Accordingly, Applicants respectfully request withdrawal of the §101 rejection.

With regard to the §103 rejection of claims 20-22, Applicants submit that Edinger fails to render the recited claims obvious. Applicants initially note that a proper case of obviousness has not been presented if the references, when combined, do not teach or suggest all the claimed limitations. Furthermore, the claimed subject matter is not obvious if there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references or to modify the referenced teachings. An analysis supporting a rejection under 35 U.S.C. §103 should be explicit and should not be based on mere conclusory statements. See KSR v. Teleflex, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385, 1396 (U.S., April 30, 2007), quoting In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated

reasoning with some rational underpinning to support the legal conclusion of obviousness.").

Applicants assert that Edinger fails to render the recited claims obvious because the subject matter of Edinger is unrelated to the subject matter of the present application. Edinger proposes a customer support management system which is to be used when a customer experiences a problem with a hardware or software product. See Edinger, Abstract. The disclosure of Edinger does not teach managing escalation of a process associated with an enterprise. Nonetheless, Applicants have amended the recited claims without prejudice and solely to expedite prosecution of the present application.

First, independent claims 20-22 now recite, "obtaining a request in a message in a predefined format from an enterprise process associated with an enterprise, the enterprise process having one or more tasks associated therewith, wherein the enterprise process is associated with an enterprise activity which requires a collaboration of a plurality of enterprise entities for completion." Obtaining a request in a message in a predefined format is supported in the specification at, for example, page 8, lines 16-17. Further, an enterprise process associated with an enterprise, the enterprise process having one or more tasks associated therewith, wherein the enterprise process is associated with an enterprise activity which requires a collaboration of a plurality of enterprise entities for completion is supported in the specification at, for example, page 1, lines 11-18, and page 6, lines 8-13.

Applicants assert that Edinger fails to teach obtaining a request in a message in a predefined format from an enterprise process. As stated above, Edinger is disclosing techniques for carrying out customer support; Edinger obtains a customer request for customer support. See Edinger, para. 89. Therefore, Edinger is not obtaining a request in a message in a predefined format from an enterprise process associated with an enterprise as recited in the claims. Next, Edinger does not disclose an enterprise process that is associated with an enterprise activity which requires a collaboration of a plurality of enterprise entities for completion. The recited enterprise activity may be a collaborative design process wherein several distributed entities participate in the design of a product over an information network such as the Internet or World Wide Web. See Specification, page 1, lines 14-16. Edinger does not teach an enterprise activity as recited in the claims and supported in the specification.

Applicants have also amended independent claims 20-22 to recite, "decomposing the one or

more tasks associated with the enterprise process into one or more subtasks, the decomposing being in accordance with one or more escalation policies, the one or more escalation policies identifying at least one decision maker of the enterprise activity." Support for these amendments may be found in the specification at, for example, page 8, lines 24-27, and page 2, lines 3-10. Applicants assert that Edinger fails to disclose one or more escalation policies identifying at least one decision maker of the enterprise activity as recited in the claims and supported in the specification.

In addition to the above amendments, Applicants object to the Examiner's use of implied reasoning to teach the limitation of selecting an action to perform. Specifically, Applicants disagree with the Examiner's contention that "selecting is implied in the action of repeating a previous step," and therefore, "[i]t would have been obvious to one of ordinary skill in the art in the step of repeating one could select from any of the taught actions." Office Action, page 5, last paragraph. Applicants note that the step of selecting an action to perform is a distinct step and recites a considerable amount of patentable subject matter: "selecting an action to perform, wherein the action is selected from actions comprising launching a new communication session based on at least a portion of the one or more responses from the one or more allocated resources or a task management policy, reallocating one or more new resources, aggregating the one or more responses from the one or more allocated resources, and providing a response to the enterprise process." Therefore, Applicants request that the Examiner raise a valid reference or references teaching the disclosed limitations. If not, the claims should be allowed.

For at least these reasons, Applicants assert that Edinger fails to render the recited claims obvious. Accordingly, Applicants respectfully request withdrawal of the §103 rejection of claims 20-22.

In view of the above, Applicants believe that claims 20-22 are in condition for allowance and respectfully request withdrawal of the §101 and §103 rejections.

Respectfully submitted,

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